PART IV

Section 1-C (1)

STATUTORY RULES AND NOTIFICATIONS ISSUED BY THE CENTRAL GOVERNMENT AND REPUBLISHED BY THIS GOVERNMENT

NOTIFICATION.

NO. LWA 75 LOR 1963. dated Bangalore, the 5th February 1963.

Ordered that the accompanying Notification No. G. S. R. 6 dated the 31st December 1962, of the Ministry of Home affairs, amending the All India Services (Death-*cum*-Retirement Benefits) Rules; 1958, which has been published in the *Gazette of India*, Part II, Section 3, sub-section (i) dated the 5th January 1963 be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore

S. SRIPADARAJ,
Under Secy. to Govt., L. D.

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

New Delhi, the 31st December 1962.

G. S. R. 6.—In exercise of the powers conferred by sub-section (1) of Section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, after consultation, with the Governments of the States concerned, hereby makes the following rules further to amend the All India Services (Death-*cum*-Retirement Benefits) Rules, 1958, namely :—

1. These rules may be called the All India Services (Death-*cum*-Retirement Benefits) Third Amendment Rules, 1962.

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2. In the All India Services (Death-*cum*-Retirement Benefits) Rules, 1958, (hereinafter referred to as the said rules) in rule 8-(1) for the proviso to sub-rule (2), the following proviso shall be substituted, namely :—

"Provided that temporary or officiating service, followed without interruption by confirmation in the same or another post, shall count in full as qualifying service except in respect of periods of temporary or officiating service in non-pensionable establishments.";

(2) for sub-rule (5), the following sub-rule shall be substituted, namely :—

"(5) (*a*) A member of the Service who, prior to his appointment to the Service, held a post in the General Administrative Reserve or a post under Government on a contract basis, shall have the option to count the period of his service in such post in full as qualifying for pension under these Rules. Provided that such service is otherwise continuous and that he did not draw inflated rates of pay by reason of the absence of retirement benefits.

(*b*) The option under clause (a) shall be exercised within a period of three months from the 31st December, 1962, or within three months from the date of appointment to the Service, whichever is later. The option, once exercised, shall be treated as final.

(*c*) Where a member of the Service exercises the option to count his previous service in the General Administrative Reserve or on contract basis, the amount of Government contributions with interest thereon standing to his credit in any contributory provident fund to which he might have been admitted, shall be surrendered and credited to the Consolidated Fund of the State on whose cadre he is borne, while the amount of his own subscriptions to that fund, if not already

withdrawn, together with interest thereon, shall be transferred to his account in the All India Services Provident Fund :

Provided that in a case where the Government contributions have already been paid to the member of the Service, he shall be required to refund them with interest from the date of payment to the date of final refund in a suitable number of instalments, to be prescribed by the State Government." ;

(3) for sub-rule (6) the following sub-rule shall be substituted, namely :—

"(6) A member of the Service who prior to his appointment to the Service held a post under Government carrying contributory provident fund benefits shall have the option to count as qualifying service the whole of the period of his service in such a post during which he actually subscribed to the contributory provident fund.

The option under this sub-rule shall be exercised within a period of three months from the 31st December, 1962, or within three months of appointment to the Service, whichever is later. The option once exercised shall be final.

Where a member of the Service exercises the option, the amount of Government contributions together with interest thereon standing to his credit in that fund shall be surrendered and credited to the Consolidated Fund of the State on whose cadre he is borne, while the amount of his own subscriptions to that fund if not already withdrawn, together with interest thereon, shall be transferred to his account in the All India Services Provident Fund:

Provided that in a case where the Government contributions have already been paid to the member of the Service, he shall be required to refund

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them with interest in a suitable number of instalments to be prsecribed by the State Government.";

(4) for sub-rule (9), the following sub-rule shall be substituted, namely :—

"(9) The qualifying service shall be calculated in six monthly periods. A fraction of less than six months shall not be taken into account in calculating the total qualifying service."

3. In rule 9 of the said rules, for sub-rule (2), the following sub-rule shall be substituted, namely:

"(2) Subject to the provisions of sub-rules (3) and (4), leave with allowances shall count as qualifying service to the extent indicated below —

If the total service of the member of the Service is not less than	He counts as qualifying Service a period of leave not exceeding.
1	2
15 years but less than 30 years.	1 year
30 years	2 years

NOTE 1.—Total service for the purpose of column 1 of the table above shall be reckoned from the date of commencement of qualifying service and shall include all periods of leave but shall not include war service qualifying for pension under sub-rules (3) and (4) of rule 8.

NOTE 2.—Half pay leave commuted under rule 13 of the Leave Rules shall count as leave with allowances."

4. In the rule 18 and in clause (*a*) of sub-rule (3) of rule 19 of the said rules, the words and figure "or column 4 as may be applicable," shall be omitted.

5. In the rule 23 of the said rules,—(1) for sub-rule (1), the following sub-rule shall be substituted, namely:—

"(1) The term 'emoluments' used in these Rules shall be taken to mean the emoluments which the member

of the Service was receiving the immediately before his retirement or death as the case may be and shall include.—

(*a*) substantive pay other than pay drawn in a tenure post;

(*b*) personal pay granted in lieu of loss of substantive pay in respect of a permanent post other than a tenure post;

(*c*) special pay including that drawn in a tenure post, if—

(i) where the special pay is granted for a specific addition to work or responsibility, no post carrying such work or responsibility has been sanctioned; or

(ii) where it is allowed in respect of a temporary appointment outside the ordinary line, the temporary appointment is not of a like character to any of the existing permanent appointments;

(*d*) one-half of:

(i) the difference between the substantive pay and the pay actually drawn in higher officiating or temporary appointments;

(ii) personal pay other than that reffered to in clause (*b*) above;

(iii) special pay other than that reffered to in clause (*c*) above;

(iv) the difference between the substantive pay and the pay actually drawn in higher tenure appointment(s) whether held in substantive or officiating capacity;

(*e*) such other pay or allowance which the Central Government may by general or special ordes classify as emoluments for the purpose of thir rule.";

(2) sub-rule (2) shall be omitted.

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6. Rule 24 shall be deleted.

7. For 'Schedule A' and Schedule B to the said rules, the following Schedules shall be substituted, namely :—

SCHEDULE A

Gratuity or Pension

Completed six monthly periods of qualifying service	Scale of gratuity or pension	Maximum pension (in Rs. per annum)
1	2	3
	(A) *Gratuity*	
1	½ month's emolument.	
2	1 ,,	
3	1½ ,,	
4	2 ,,	
5	2½ ,,	
6	3 ,,	
7	3½ ,,	
8	4 ,,	
9	4 3/8 ,,	
10	4 3/4 ,,	
11	5 1/8 ,,	
12	5½ ,,	
13	5 7/8 ,,	
14	6 1/4 ,,	
15	6 5/8 ,,	
16	7 ,,	
17	7 3/8 ,,	
18	7 3/4 ,,	
19	8 1/8 ,,	
	(B) *Pension*	
20	10/80 ths of average emoluments	Rs. 2,700
21	10½/80 ths ,,	2,835
22	11/80 ths ,,	2,970
23	11½/80 ths ,,	3,105
24	12/80 ths ,,	3,240
25	12½/80 ths ,,	3,375
26	13/80 ths ,,	3,510

Completed six monthly periods of qualifying service	Scale of gratuity or pension	Maximum pension (in Rs. per annum)
1	2	3
27 13½/80 ths	,, ...	... 3,645
28 14/80 ths	,, ...	... 3,780
29 14½/80 ths	,, ...	... 3,915
30 15/80 ths	,, ...	... 4,050
31 15½/80 ths	,, ...	... 4,185
32 16/80 ths	,, ...	... 4,320
33 16½/80 ths	,, ...	... 4,455
34 17/80 ths	,, ...	... 4,590
35 17½/80 ths	,, ...	... 4,725
36 18/80 ths	,, ...	... 4,860
37 18½/80 ths	,, ...	... 4,995
38 19/80 ths	,, ...	... 5,130
39 19½/80 ths	,, ...	... 5,265
40 20/80 ths	,, ...	... 5,400
41 20½/80 ths	,, ...	... 5,535
42 21/80 ths	,, ...	... 5,670
43 21½/80 ths	,, ...	... 5,805
44 22/80 ths	,, ...	... 5,940
45 22½/80 ths	,, ...	... 6,075
46 23/80 ths	,, ...	... 6,210

(B) *Pension*—contd.

47	23½/80ths of average emoluments	...	... 6,345
48	24/80ths	,, ...	... 6,480
49	24½/80ths	,, ...	... 6,615
50	25/80ths	,, ...	... 6,750
51	25½/80ths	,, ...	... 6,885
52	26/80ths	,, ...	... 7,020
53	26½/80ths	,, ...	... 7,155
54	27/80ths	,, ...	... 7,290
55	27½/80ths	,, ...	... 7,425
56	28/80ths	,, ...	... 7,560
57	28½/80ths	,, ...	... 7,695
58	29/80ths	,, ...	... 7,830
59	29½/80ths	,, ...	... 7,965
60	30/80ths	,, ...	... 8,100

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SCHEDULE B

Death-cum-Retirement Gratuity

Completed six monthly periods of qualifying service	Scale of Death-*cum*-Retirement Gratuity	Maximum Death-*cum*-Retirement Gratuity
1	2	3
1		
2		
3		
4		
5		
6		
7		
8		
9		
10	5 times 10/20 of emoluments	4,500
11	5½ " "	4,950
12	6 " "	5,400
13	6½ " "	5,850
14	7 " "	6,300
15	7½ " "	6,750
16	8 " "	7,200
17	8½ " "	7,650
18	9 " "	8,100
19	9½ " "	8,550
20	10 " "	9,000
21	10½ " "	9,450
22	11 " "	9,900
23	11½ " "	10,350
24	12 " "	10,800
25	12½ " "	11,250
26	13 " "	11,700
27	13½ " "	12,150
28	14 " "	12,600
29	14½ " "	13,050
30	15 " "	13,500
31	15½ " "	13,950
32	16 " "	14,400
33	16½ " "	14,850
34	17 " "	15,300
35	17½ " "	15,750

Completed six monthly periods of qualifying service	Scale of Death-*cum*-Retirement Gratuity	Maximum Death-*cum*-Retirement Gratuity
1	2	3
36	18 times 10/20 of emoluments	16,200
37	18½ " "	16,650
38	19 " "	17,100
39	19½ " "	17,550
40	20 " "	18,000
41	20½ " "	18,450
42	21 " "	18,900
43	21½ " "	19,350
44	22 " "	19,800
45	22½ " "	20,250
46	23 " "	20,700
47	23½ " "	21,150
48	24 " "	21,600
49	24½ " "	22,050
50	25 " "	22,500
51	25½ " "	22,950
52	26 " "	23,400
53	26½ " "	23,850
54 and above	27 " "	24,000";

8. For Schedules D to H to the said rules, the following Schedules shall be substituted, namely :—

SCHEDULE D

Nomination for Death-cum-Retirement Gratuity

(When the member of the Service has a family and wishes to nominate one member thereof).

I hereby nominate the person mentioned below, who is a member of my family and confer on him the right to receive any death-*cum*-retirement gratuity that may be sanctioned by State Government in the event of my death while on service and the right

to receive on my death, any gratuity which having become admissible to me on retirement may remain unpaid at my death.

Name and address of nominee.	Relationship with the member of the Service.	Age	Contingencies on the happening of which the nomination shall become invalid.	Name, address and relationship of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee pre-deceasing the member of the Service the nominee dying after the death of the member of the Service but before receiving payment of the gratuity.	Amount or share of gratuity payable to each*.
1	2	3	4	5	6

This nomination supersedes the nomination made by me earlier on ....which stands cancelled.

.....

Dated this.....day of.....196

at..... .....

Witnesses to signature :

1..... ....

Signature of the member of the

2..... ..... Service.

* Note. —This column should be filled in so as to cover the whole amount of gratuity.

SCHEDULE E

Nomination for Death-cum-Retirement Gratuity

(When the member of the Service has a family and wishes to nominate more than one member thereof)

I hereby nominate the persons mentioned below, who are members of my family, and confer on them the right to receive, to the extent specified below, any death *cum*-retirement gratuity that may be sanctioned by State Government in the event of my death while in service and the right to receive on my death, to the extent specified below, any gratuity which having become admissible to me on retirement may remain unpaid at my death :—

Name and addresses of nominees	Relationship with the member of the Service	Age	Amount or Share of gratuity payable to each*	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person or persons, if any, to whom the right conferred on nominee shall pass in the event of the nominee predeceasing the member of the Service or the nominee dying after the death of the member of the Service but before receiving payment of the gratuity	Amount or share of gratuity payable to each.
1	2	3	4	5	6	7†

This nomination supersedes the nomination made by me earlier on .....which stands cancelled.

N.B.—The officer shall draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed.

Dated this.....day of.....196

at.....

Witnesses to signature :

1.....

Signature of the member of the Service.

2.....

*NOTE 1. This column should be filled in so as to cover the whole amount of gratuity.

† NOTE 2. The amount/share of gratuity shown in this column should cover the whole amount/share payable to the original nominees.

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SCHEDULE F

Nomination for Death-cum-Retirement Gratuity

(When the member of the Service has no family and wishes to nominate one person)

I, having no family, hereby nominate the person mentioned below and confer on him the right to receive any death-*cum*-retirement gratuity that may be sanctioned by State Government in the event of my death while in service and the right to receive on my death any gratuity which having become admissible to me on retirement may remain unpaid at my death.

Name and address of nominee	Relationship with the member of the Service	Age	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the member of the service or the nominee dying after the death of the member of the service but before receiving the payment of gratuity	Amount or share of gratuity payable to each*
1	2	3	4	5	6

This nomination supersedes the nomination made by me earlier on .....which stands cancelled.

.....

Dated this.....day of..... 196

at.....

Witnesses to signature :

1..... Signature of the member of the Service.

2..... .....

*NOTE :—This column should be filled in so as to cover the whole amount of gratuity.

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SCHEDULE—G

Nomination for Death-cum-Retirement Gratuity

(When the member of the Service has no family and wishes to nominate more than one person)

I, having no family, hereby nominate the persons mentioned below and confer on them the right to receive to the extent specified below, an death-*cum*-retirement gratuity that may be sanctioned by State Government in the event of my death while in service and the right to receive receive on my death, to the extent specified below any gratuity which haveing become admissible to me on retirement may remain unpaid at my death.

Names and addresses of nominees	Relationship with the member of the Service	Age	Amount or share of gratuity payable to each*	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person or persons, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the member of the Service or the nominee dying after the death of the member of the service but before receiving payment of gratuity	Amount or share of gratuity payable to each †
1	2	3	4	5	6	7

This nomination supersedes the nomination made by me earlier on.....which stands cancelled.

N. B.—The officer should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.

Dated this.....day of.....196 .

at.....

Witnesses to signature :

1.....

Signature of the member of the Service.

2.....

*Note 1. This column should be filled in so as to cover the whole amount of gratuity.

†Note 2. The amount/share of gratuity shown in this column should cover the whole amount/share payable to the original nominees.

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SCHEDULE H

Nomination for family Pension

I hereby nominate the persons mentioned below, who are members of my family, to receive in the order shown below the family pension which may be granted by State Government in the event of my death after completion of 10 years, qualifying service.

Name and address of nominee	Relationship with the member of the Service	Age	Whether married or unmarried.

This nomination supersedes the nomination made by me earlier on.....which stands cancelled.

N. B.—The Officer should draw lines across blank space below the last entry to prevent the insertion of any name after he has signed.

Dated this.....day of.....196

at.....

Witnesses to signature :

1.....

Signature of the member of the Service.

2.....

[No. 29/7/60-AIS(II).]

K. S. N. MURTHY, Under Secy